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(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. _____

To repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the Common Sense Health Care Reform and Affordability Act.

IN THE HOUSE OF REPRESENTATIVES

Mr. HERGER introduced the following bill; which was referred to the Committee on _____

A BILL

To repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the Common Sense Health Care Reform and Affordability Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reform Americans Can
5 Afford Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The nonpartisan Congressional Budget Of-
2 fice (referred to in this section as the “CBO”) pre-
3 dicts that health insurance premiums will increase
4 by \$2,100 for millions of families by 2016 as a re-
5 sult of the Democrats’ health overhaul.

6 (2) The Obama Administration’s own actuaries
7 at the Centers for Medicare & Medicaid Services (re-
8 ferred to in this section as the “CMS”) predict that,
9 “[N]ational health expenditures under the health re-
10 form act would increase by a total of
11 \$311,000,000,000 (0.9 percent) during calendar
12 years 2010–2019” as a result of the Democrats’
13 health overhaul.

14 (3) The CMS actuaries predict that 14,000,000
15 Americans would lose their employer-sponsored in-
16 surance as a result of the Democrats’ health over-
17 haul.

18 (4) The Democrats’ health overhaul penalizes
19 Americans who save money to pay for their health
20 care and threatens to reduce the value of the health
21 benefits of 43,000,000 Americans with Flexible
22 Spending Arrangements and Health Savings Ac-
23 counts.

24 (5) CBO estimates the Democrats’ health over-
25 haul slashes Medicare by more than one-half trillion

1 dollars in order to fund a new Government entitle-
2 ment program.

3 (6) The Medicare actuaries found these Medi-
4 care cuts to be so drastic that they caution, “pro-
5 viders for whom Medicare constitutes a substantive
6 portion of their business could find it difficult to re-
7 main profitable and, absent legislative intervention,
8 might end their participation in the program (pos-
9 sibly jeopardizing access to care for beneficiaries)”.

10 (7) The CMS actuaries predict 7,000,000 Medi-
11 care beneficiaries will no longer be enrolled in a
12 Medicare Advantage plan and millions of seniors
13 who are currently enrolled in a Medicare Advantage
14 plan will see their benefits slashed and out-of-pocket
15 costs increase.

16 (8) According to the Joint Committee on Tax-
17 ation and the CBO, the Democrat’s health law con-
18 tains a total of \$569,200,000,000 in tax increases,
19 including a dozen separate provisions that break
20 President Obama’s pledge to avoid tax increases on
21 middle-class Americans earning less than \$200,000
22 per year and families earning less than \$250,000
23 per year.

24 (9) The national unemployment rate remains
25 near 10 percent.

1 (10) CBO estimates that the Democrats' health
2 overhaul will raise taxes on employers who fail to
3 provide Government-approved health insurance to
4 their employees by \$52,000,000,000.

5 (11) CBO said that "employees largely bear the
6 cost of. . .[employer mandate] fees in the form of
7 lower wages".

8 (12) The costs incurred by businesses who
9 avoid the tax by complying with the employer man-
10 date may also be felt by potential workers (who will
11 have fewer employment opportunities as businesses
12 respond to the mandate by reducing additional hir-
13 ing) and by consumers (who may have to pay more
14 for goods and services to offset the higher costs im-
15 posed on businesses by the mandate).

16 (13) The U.S. Chamber of Commerce, which
17 represents more than 3,000,000 businesses and or-
18 ganizations, said the Democrats' health overhaul,
19 "will not increase coverage—rather it will lead to out-
20 sourcing, off-shoring, hiring of independent contrac-
21 tors, spinning-off small new companies, reducing
22 workforces, and reducing wages".

23 (14) The National Federation of Independent
24 Business, which represents 350,000 small busi-
25 nesses, said through mandates, "employees ulti-

1 mately bear the cost of their health insurance
2 through lower employment, depressed wages, de-
3 pressed productivity, and loss of economic opportuni-
4 ties”.

5 (15) CBO found that 3,900,000 Americans
6 would pay \$17,000,000,000 in taxes for not pur-
7 chasing Government-approved health insurance and
8 that nearly half of these taxes would be paid by fam-
9 ilies earning less than 300 percent of the Federal
10 poverty level.

11 (16) The Internal Revenue Service may have to
12 hire as many as 16,500 additional agents, auditors,
13 and other workers to enforce all the new taxes and
14 penalties in the Democrats’ health overhaul, dan-
15 gerously expanding the Government’s reach into the
16 lives of virtually every American.

17 (17) The CMS actuaries predict the nearly
18 \$110,000,000,000 in new health care industry taxes
19 in the Democrats’ health overhaul will be passed
20 onto consumers in the form of higher premiums and
21 out-of-pocket costs.

22 (18) The subsidies for individuals and families
23 (who earn less than 400 percent of the Federal pov-
24 erty level) in the Democrats’ health overhaul are
25 structured in a way that will financially punish mar-

1 ried couples. For example, a woman earning
2 \$32,000 in 2016 who gets married to a man earning
3 the same amount will pay an average marriage pen-
4 alty of \$9,640 versus what they would have paid for
5 health coverage had they not married.

6 (19) The rapid phase-out of the premium tax
7 credits, when combined with existing income and
8 payroll tax rates, create effective marginal tax rates
9 exceeding 100 percent in certain cases, thus destroy-
10 ing any incentive to work harder and earn more in-
11 come.

12 (20) The so-called “Patient-Centered Outcomes
13 Research Institute” paves the way for Government-
14 sanctioned rationing of life-saving treatments by al-
15 lowing the coverage of health care treatments and
16 services to be based on how much those treatments
17 and services cost.

18 (21) The CMS actuaries predict the program to
19 help cover the sickest Americans will be so inad-
20 equately funded that premiums will have to increase
21 “substantially” to maintain solvency.

22 (22) The CMS actuaries estimate 18,000,000
23 Americans will be dumped into Medicaid, a program
24 in which they are likely to have a difficult time find-

1 ing a doctor to treat them, as a result of the Demo-
2 crats' health overhaul.

3 (23) The Medicaid expansion in the Democrats'
4 health overhaul will force States to spend an addi-
5 tional \$20,000,000,000 on their Medicaid programs
6 at time where the vast majority of States are facing
7 a budget crisis.

8 (24) The 2010 budget deficit currently stands
9 at \$1,400,000,000,000 and the national debt totals
10 \$12,000,000,000,000.

11 (25) The CMS actuaries exposed the Demo-
12 crats' budget gimmicks, saying a new Government-
13 run long-term care program that Democrats have
14 touted as saving \$72,000,000,000 over the next ten
15 years will "face a significant risk of failure" and
16 also that "the improved [Medicare] financing cannot
17 be simultaneously used to finance other Federal out-
18 lays (such as the coverage expansions) and to extend
19 the trust fund".

20 (26) CBO estimates the House Republican
21 health reform bill would reduce premiums across the
22 board by up to \$1,050 annually.

23 (27) The House Republican health reform bill
24 would not cut Medicare or increase taxes.

1 (28) CBO estimates the Republican health re-
2 form bill would reduce the Federal deficit by
3 \$68,000,000,000 over the next 10 years.

4 (29) As of introduction of this bill, 21 State at-
5 torneys general are suing the Federal Government,
6 challenging the constitutionality of the Democrats'
7 new health care law.

8 **SEC. 3. REPEAL OF THE PATIENT PROTECTION AND AF-**
9 **FORDABLE CARE ACT AND THE HEALTH**
10 **CARE AND EDUCATION RECONCILIATION ACT**
11 **OF 2010.**

12 (a) PATIENT PROTECTION AND AFFORDABLE CARE
13 ACT.—Effective as of the enactment of the Patient Pro-
14 tection and Affordable Care Act, such Act is repealed, and
15 the provisions of law amended or repealed by such Act
16 are restored or revived as if such Act had not been en-
17 acted.

18 (b) HEALTH CARE AND EDUCATION RECONCILI-
19 ATION ACT OF 2010.—Effective as of the enactment of
20 the Health Care and Education Reconciliation Act of
21 2010, such Act is repealed, and the provisions of law
22 amended or repealed by such Act are restored or revived
23 as if such Act had not been enacted.

1 **SEC. 4. ENACTMENT OF THE COMMON SENSE HEALTH**
2 **CARE REFORM AND AFFORDABILITY ACT.**

3 H.R. 4038, entitled the “Common Sense Health Care
4 Reform and Affordability Act”, as introduced in the
5 House of Representatives on November 6, 2009, is en-
6 acted into law.